

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

Deron E. Jackson,	)	
	)	
vs.	)	No. 10-00854-CV-W-FJG
United States of America,	)	Crim. No. 07-00144-02-CR-W-FJG
	)	
Respondent.	)	

**ORDER**

Pending before this Court is movant's motion pursuant to 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence (Doc. #1, filed August 27, 2010). The Court finds that it has jurisdiction over this matter.

Movant pleaded guilty on January 17, 2008, to possession with intent to distribute crack cocaine. Movant was classified as a career offender. On September 23, 2008, this Court held a sentencing hearing; however, at the conclusion of the hearing, the Court took the matter under advisement and continued the sentencing to October 21, 2008. On October 21, 2008, the Court sentenced movant at the bottom of the Guidelines range, to 262 months imprisonment. Movant appealed, arguing that this sentence was unreasonable, but the Eighth Circuit affirmed this Court's findings. United States v. Jackson, 333 Fed. Appx. 154, 155 (8<sup>th</sup> Cir. 2009). Movant has now filed the present motion.

Movant asserts the following alleged errors: (1) the Sentencing Guidelines violate the doctrine of separation of powers; (2) a reasonableness review should be completed in all cases, regardless of whether the defendant preserved the error (and his counsel was ineffective for failing to preserve this issue); (3) the Court improperly applied a presumption of reasonableness to the guideline sentence; and (4) the sentence imposed by the Court was unreasonable.

**JUDGMENT**

The Court has reviewed movant's motion (Doc. #1), movant's memorandum of law (Doc. # 2), respondent's opposition (Doc. #4), movant's reply (Doc. #8) and the record in

the underlying criminal case, and finds that movant's allegations are without merit for the reasons stated in respondent's opposition. Therefore, movant's motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255 (Doc. #1), filed August 27, 2010, is denied.

No evidentiary hearing will be held in this matter because the issues raised are resolvable by the record. Furthermore, movant will be denied a motion for certificate of appealability, in that the issues raised are not debatable among reasonable jurists, nor could a court resolve the issues differently.

/s/Fernando J. Gaitan, Jr.  
Fernando J. Gaitan, Jr.  
Chief United States District Judge

Dated: 12/17/10  
Kansas City, Missouri